

33063

ABRA
rec'd 11/19/02
(let)

Cooperative Agreement

Made this 3rd day of November 2002 by and between Esteban Ramirez on behalf of the Carolina Palace (the Applicant) and the undersigned Protestants.

Witnesseth

Whereas, Applicant's application for the renewal of a Class CR 01 license for premises, 3700 14th Street, NW, ABC Application Number 33063, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC Board) and,

Whereas the premises is within the boundaries of ANC 4C04 ;
and, is adjacent to the boundaries of ANC 1A01 , 4C05 ; and

Whereas, The parties desire to enter into an agreement governing certain understandings regarding the issuance of a Class CR 01 Liquor License at the subject premises; and,

Whereas, the strict enforcement of health, safety and security regulations enhances compliance with such regulations, and in turn, preserves and enhances the peace, order and quiet of communities within the District of Columbia; and,

Now THEREFORE, the parties agree as follows:

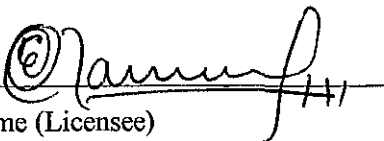
1. In order to keep the peace and quiet of the surrounding neighborhood, thereby making the restaurant appropriate for the neighborhood, Esteban Ramirez will:
 - a) Ensure that there is at least daily street cleaning of the 3700 block of 14th Street NW up to the end of the property occupied by The Carolina Palace as well as along the 1400 block of Spring Road, NW. Keep the sidewalks and public space outside of the restaurant clean, as required by DC law;

- b) Place signs in both English and Spanish and maintain "No Loitering" signs inside and outside of the premises and instruct loiterers to leave;
- c) Place signs in both English and Spanish and maintain signs inside the premises which instruct patrons not to take alcohol outside of the premises;
- d) Fill in rat holes and maintain pest and animal control of the property;
- e) Hire special security officers between the hours of nine p.m. until one half hour after closing on Thursday through Sunday evenings;
- f) Encourage patrons to cease from engaging in violent behavior in the vicinity of the restaurant;
- g) Encourage patrons not to urinate in the neighborhood, in both public and private property outside of the club;
- h) Encourage patrons to behave in an orderly and quiet manner after leaving the restaurant, especially late and night and in the early morning hours. This means refraining from behavior such as revving engines, honking horns incessantly, or shouting;
- i) Encourage patrons to refrain from drinking in public, and leaving empty beer bottles or any other garbage in public or private property in the neighborhood;
- j) Ensure that the music inside the club cannot be heard outside the club. ~~Comply with the noise ordinance that is in effect in the District of Columbia;~~
- k) Ensure that solid and liquid waste is not dumped by restaurant employees on the property in which the Carolina Palace is located or anywhere else in the neighborhood;
- l) The Applicant shall operate a bona fide restaurant on said premises pursuant to a Certificate of Occupancy permitting restaurant use;
- m) The Applicant shall comply with all District of Columbia and all other laws, rules and regulations that apply to the ownership and operation of Applicant's business establishment;
- n) The Applicant shall participate in community oversight and attend quarterly status meetings with Protestants at ANC's request.

2. In consideration of, and reliance upon, the commitments reflected in paragraph 1, the Protestants hereby withdraw their opposition to the applicant's pending renewal license application;

3. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the Protestants to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. Section 1513.5 (1997) (or any regulation of similar purpose adopted by the ABC Board), to revoke the Class CR license for the premises The Carolina Palace.
4. This Cooperative Agreement shall be binding on anyone to whom this liquor license is sold, transferred or assigned.
5. This Cooperative Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but all of which together shall constitute an agreement binding on all the parties hereto. Facsimile signatures shall be considered to be execution of the original.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and signatures.


Name (Licensee)

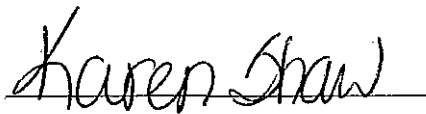
11-03-02
Date

Name (Licensee)

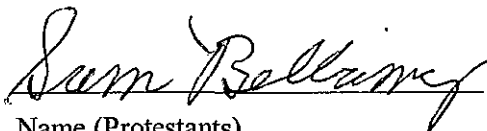
Date

Name (Licensee)

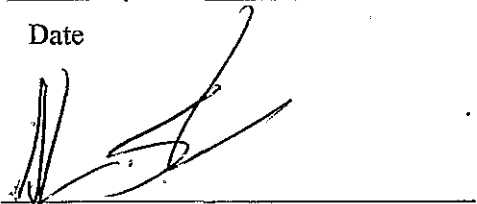
Date


Name (Protestants)

November 3, 2002
Date


Name (Protestants)

11-4-02
Date


Name (Protestants)

11/4/02
Date

Name (Licensee)

Date

Name (Licensee)

Date

Name (Licensee)

Date

Name (Licensee)

Date

Genevieve Eiland
Name (Protestants)

11/12/02
Date

[Signature]
Name (Protestants)

11-12-02
Date

Name (Protestants)

Date

Name (Protestants)

Date

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Esteban Ramirez
t/a Carolina Palace

Application for a Retailer's Class
CR License (renewal)
at premises
3700 14th Street, N.W.
Washington, D.C.

Application no. 33063-02/094P
2002-274

Genevieve Eiland, Karen Shaw, Sam Bellamy, Andy Sullivan, and Teri Ruder,
Protestants

Esteban Ramirez, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Oppen-Weiner, Esquire, Member
Audrey Thompson, Member

**ORDER ON WITHDRAWN PROTEST
AND VOLUNTARY AGREEMENT**

The application, having been protested, came before the Board on May 29, 2002 in accordance with the D.C. Official Code Section 601 (2000 Edition). Genevieve Eiland, Karen Shaw, Same Bellamy, Andy Sullivan, and Teri Ruder filed timely opposition.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. However, on November 20, 2002, the Board approved the agreement with an amendment to "paragraph j". The second sentence in this paragraph was deleted.

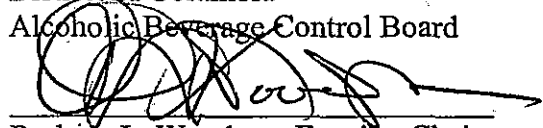
Esteban Ramirez
t/a Carolina Palace
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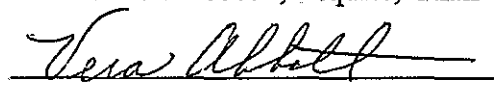
Pursuant to the agreement, dated November 3, 2002, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement

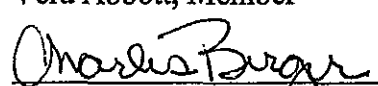
Accordingly, it is this 14th day of December November 2002, **ORDERED** that:

1. The opposition of Genevieve Eiland, Karen Shaw, Same Bellamy, Andy Sullivan, and Teri Ruder is **WITHDRAWN**;
2. The application of Esteban Ramirez t/a Carolina Palace for a retailer's class CR license (renewal) located at 3700 14th Street, N.W., Washington, D.C. is **GRANTED**;
3. The above-referenced agreement between the parties is **INCORPORATED** as part of this Order; and
4. Copies of this Order shall be sent to the Protestants and the Attorney for the Applicant.

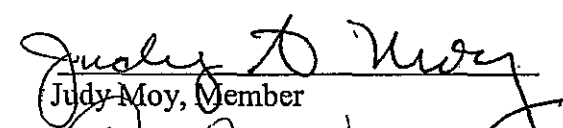
District of Columbia
Alcoholic Beverage Control Board

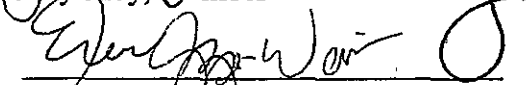

Roderic L. Woodson, Esquire, Chair

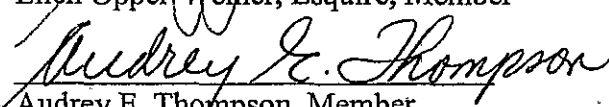

Vera Abbott, Member


Charles Burger, Member


Laurie Collins, Member


Judy Moy, Member


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Audrey E. Thompson, Member